



General Assembly

February Session, 2006

***Raised Bill No. 642***

LCO No. 3071

\*03071\_\_\_\_\_ENV\*

Referred to Committee on Environment

Introduced by:  
(ENV)

***AN ACT CONCERNING CLEAN DIESEL AND BIODIESEL.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2006*) (a) As used in sections 1 to 4,  
2 inclusive, of this act:

3 (1) "Closed crankcase filtration system" means a system that  
4 separates oil and other contaminants from the blow-by gases and  
5 routes the blow-by gases into a diesel engine's intake system  
6 downstream of the air filter;

7 (2) "Emergency contingency vehicle" means a bus placed in an  
8 inactive contingency fleet for local emergencies, after the bus has  
9 reached the end of its normal minimum useful life;

10 (3) "Full-sized school bus" means a school bus, as defined in section  
11 14-275 of the general statutes, which is a Type I diesel school bus,  
12 including spare buses operated by or under contract to a school  
13 district, but not including emergency contingency vehicles or low  
14 usage vehicles;

15 (4) "Low usage vehicle" means a bus that operates for not more than

16 one thousand miles per year;

17 (5) "Model year 2007 emission standards" means engine emission  
18 standards promulgated by the federal Environmental Protection  
19 Agency in 40 CFR Parts 69, 80 and 86.

20 (6) "Nonroad engine" means an internal combustion engine,  
21 including the fuel system, (A) that is not used in a motor vehicle, (B)  
22 that is used in a vehicle used solely for competition, (C) that is not  
23 subject to standards promulgated under 42 USC 7411 or 42 USC 7521,  
24 or (D) that is used to power generators, compressors or similar  
25 equipment used in any construction program or project;

26 (7) "Ultra low sulfur diesel fuel" means diesel fuel that has a sulfur  
27 content of not more than fifteen parts per million;

28 (8) "Verified alternative fuel" means an alternative fuel that has been  
29 verified by the federal Environmental Protection Agency or the  
30 California Air Resources Board to reduce particulate matter emissions  
31 from an engine;

32 (9) "Verified emissions control device" means a device that has been  
33 verified by the federal Environmental Protection Agency or the  
34 California Air Resources Board to reduce particulate matter emissions  
35 from an on-road engine using ultra-low sulfur diesel fuel by a given  
36 amount;

37 (10) "Level 1 device" means a verified emissions control device that  
38 achieves greater than or equal to twenty-five per cent, but less than  
39 fifty per cent, particulate matter reduction;

40 (11) "Level 2 device" means a verified emissions control device that  
41 achieves greater than or equal to fifty per cent, but less than eighty-five  
42 per cent, particulate matter reduction; and

43 (12) "Level 3 device" means a verified emissions control device that  
44 achieves greater than or equal to eighty-five per cent, particulate

45 matter reduction or a particulate matter emission standard of 0.01  
46 grams per brake horsepower-hour.

47 Sec. 2. (NEW) (*Effective July 1, 2006*) (a) On and after September 1,  
48 2008, a full-sized school bus with an engine model year of 1993 or  
49 older shall not be used to transport children in the state and not later  
50 than September 1, 2008, a full-sized school bus with an engine model  
51 year of 2006 or older shall be operated with a closed crankcase  
52 filtration system;

53 (b) Not later than September 1, 2010, full-sized school buses  
54 transporting children in the state shall either (1) be equipped with a  
55 level 1, level 2 or level 3 device, (2) be equipped with an engine  
56 certified by the federal Environmental Protection Agency to meet  
57 model year 2007 emission standards, or (3) use compressed natural gas  
58 or other alternative fuel verified by the federal Environmental  
59 Protection Agency or the California Air Resources Board to reduce  
60 particulate matter emissions by not less than twenty-five per cent  
61 compared to ultra-low sulfur diesel fuel.

62 (c) The Commissioner of Administrative Services, in consultation  
63 with the Commissioner of Environmental Protection, shall develop  
64 procurement contracts for (1) the purchase of new school buses  
65 compliant with model year 2007 emission standards, (2) level 1, level 2  
66 and level 3 devices, and (3) closed crankcase filtration systems. Said  
67 procurement contracts shall be made available to municipalities and  
68 private school bus operators on the procurement section of the  
69 Department of Administrative Services' Internet web site, in a category  
70 that clearly identifies the product to municipalities and private school  
71 bus operators.

72 (d) The Commissioner of Administrative Services, in consultation  
73 with the Commissioner of Environmental Protection, shall develop an  
74 outreach plan and materials for educating local and regional boards of  
75 education and bus companies about the requirements of this section.

76 (e) A municipality or a private bus owner who violates the  
77 provisions of this section shall pay a civil penalty of not more than five  
78 thousand dollars for each offense and, in the case of a continuing  
79 violation, each day's continuance thereof shall be a separate and  
80 distinct offense. The Attorney General, upon complaint of the  
81 commissioner, shall institute an action in superior court for the judicial  
82 district of Hartford to recover such penalty. The department shall  
83 deposit penalties collected pursuant to this section into the low diesel  
84 emissions account established pursuant to section 3 of this act.

85 Sec. 3. (NEW) (*Effective July 1, 2006*) There is established the "low  
86 diesel emissions account", which shall be a separate, nonlapsing  
87 account within the General Fund. Penalties paid pursuant to sections 2  
88 and 4 of this act and any other state, federal or private funds directed  
89 at low diesel projects shall be deposited into the account. The account  
90 may contain any moneys required by law to be deposited in the  
91 account. Investment earnings credited to the assets of the account shall  
92 become part of the assets of the account.

93 Sec. 4. (NEW) (*Effective July 1, 2006*) (a) The Commissioner of  
94 Environmental Protection shall provide incentive funds to  
95 municipalities and private school bus operators from the low diesel  
96 emissions account established pursuant to section 3 of this act in  
97 accordance with the following:

98 (1) Not later than September 1, 2008, two hundred fifty dollars for  
99 each closed crankcase filtration system retrofit device installed in a  
100 school bus with a model year of 1994 to 2005, inclusive;

101 (2) Not later than September 1, 2010, for the installation of a level 1  
102 device in a school bus with a model year of 1994 to 2005, inclusive, (A)  
103 one thousand dollars for a level 1 device, (B) two thousand dollars for  
104 a level 2 device, and (C) three thousand dollars for a level 3 device.

105 (b) The commissioner may annually evaluate the level of incentives  
106 to determine if they should be revised to foster competition in the

107 market for retrofit devices.

108 (c) To receive an incentive pursuant to this section, a municipality or  
109 a private school bus owner shall submit a form prescribed by the  
110 commissioner to the Department of Environmental Protection, which  
111 shall contain the school bus model and year, engine model and year,  
112 vehicle identification number and date installed for every eligible bus,  
113 and a certification that buses will operate in the state for not less than  
114 four years after the date of installation of the emission control device,  
115 along with a receipt for the retrofit device.

116 (d) A municipality or a private bus owner who makes a false  
117 statement in an application pursuant to this section shall pay a civil  
118 penalty of not more than one thousand dollars for each offense. Each  
119 violation shall be a separate and distinct offense. The Attorney  
120 General, upon complaint of the commissioner, shall institute an action  
121 in superior court for the judicial district of Hartford to recover such  
122 penalty. The department shall deposit penalties collected pursuant to  
123 this section into the low diesel emissions account established pursuant  
124 to section 3 of this act.

125 Sec. 5. (NEW) (*Effective July 1, 2006*) The Department of  
126 Environmental Protection shall provide grants from the low diesel  
127 emissions account established pursuant to section 3 of this act to  
128 municipalities, identified by the department to have high levels of  
129 ambient air pollution or high incidences of respiratory disease, to  
130 purchase school buses (1) with a model year of 2007, or later that has a  
131 level 3 device and closed crankcase filtration system installed, or (2)  
132 that use an alternative fuel, including, but not limited to, natural gas,  
133 provided the verified particulate matter emissions of the bus is not  
134 more than 0.01 grams per brake horsepower-hour.

135 Sec. 6. (NEW) (*Effective July 1, 2006*) (a) Contractors and  
136 subcontractors working on construction projects (1) on or before July 1,  
137 2007, that are funded by the state in full and valued over five million  
138 dollars, (2) after July 1, 2007, that are funded by the state in full; and (3)

139 after July 1, 2007, that are funded by the state by fifty per cent or more  
140 shall comply with the provisions of this section.

141 (b) (1) Vehicles or equipment with on-road and nonroad diesel  
142 powered engines used in the project shall use on-road grade fuel, as  
143 defined by the federal Environmental Protection Agency;

144 (2) Vehicles or equipment with on-road and nonroad diesel  
145 powered engines that are on the project or are assigned to the project  
146 for a period of not less than thirty days with engine horsepower  
147 ratings of not less than fifty horsepower shall reduce diesel particulate  
148 matter emissions by at least twenty-five per cent compared to ultra-  
149 low diesel fuel by installing verified emission control devices or using  
150 verified alternative fuels, and shall not cause an increase in nitrous  
151 oxide or other pollutants;

152 (3) Prior to construction, the contractor shall submit to the  
153 contracting agency a certified list of the vehicles or equipment with  
154 covered diesel engines that will be retrofitted with verified emission  
155 control devices or that will use verified alternative fuels, which shall  
156 include: (A) The equipment or vehicle number, type and make, (B) the  
157 equipment or vehicle emission control device make, model and federal  
158 Environmental Protection Agency, California Air Resources Board  
159 verification number, (C) the type and source of fuel to be used in the  
160 equipment or vehicle, and (D) the name of the contractor or  
161 subcontractor using the equipment or vehicle;

162 (4) The contractor shall submit to the contracting agency monthly  
163 updates of the information contained in subdivision (3) of this  
164 subsection, accompanied by copies of the alternative fuel delivery slips  
165 for the report time period, noting which vehicle or equipment received  
166 the fuel;

167 (5) The contractor shall establish truck-staging zones for diesel  
168 powered vehicles or equipment that are waiting to load or unload  
169 material at the contract area. Such zones shall be located where the

170 diesel emissions from the trucks will have minimum impact on  
171 abutters and the general public;

172 (6) All work shall be conducted to minimize the impact on adjacent  
173 sensitive facilities including, but not limited to, hospitals, schools,  
174 daycare facilities, elderly housing and convalescent facilities. Measures  
175 to minimize the impact shall include, but not be limited to, locating  
176 vehicles or equipment with diesel powered engines away from fresh  
177 air intakes, air conditioners and windows; and

178 (7) The contractor shall submit a diesel emissions mitigation plan to  
179 an engineer employed or contracted by the contracting agency prior to  
180 commencing construction where work will be performed less than five  
181 hundred feet away from sensitive facilities, including, but not limited  
182 to, hospitals, schools, daycare facilities, elderly housing and  
183 convalescent facilities. The contractor shall not commence construction  
184 in said area until the engineer approves the mitigation plan. The  
185 mitigation plan shall address the control of diesel emissions from all  
186 diesel powered construction equipment and vehicles to be used at the  
187 area.

188 (c) The contracting agency or the Department of Environmental  
189 Protection shall issue a notice of noncompliance to the contractor if any  
190 diesel powered construction equipment or vehicle does not comply  
191 with the provisions of this section. The contractor shall have a twenty-  
192 four-hour period in which to bring the equipment or vehicle into  
193 compliance or to remove it from the construction project. The  
194 contracting agency shall withhold payments for the work performed  
195 on any item on which the nonconforming equipment or vehicle was  
196 utilized for the time period during which the equipment or vehicle was  
197 out of compliance.

198 (d) Any costs associated with this section shall be included in the  
199 general cost of the contract.

200 (e) On January 1, 2008, and biennially thereafter, the Commissioner

201 of Environmental Protection, in consultation with other contracting  
202 agencies, shall submit a report to the joint standing committee of the  
203 General Assembly having cognizance of matters relating to the  
204 environment on the implementation of this section and to recommend  
205 any legislative changes to maximize diesel emission reductions.

206 Sec. 7. Subdivision (67) of section 12-412 of the 2006 supplement to  
207 the general statutes is repealed and the following is substituted in lieu  
208 thereof (*Effective July 1, 2006*):

209 (67) Sales of and the storage, use or other consumption, prior to July  
210 1, 2008, of a new motor vehicle which is exclusively powered by a  
211 clean alternative fuel. As used in this subdivision and subdivisions (68)  
212 and (69) of this section, "clean alternative fuel" shall mean natural gas,  
213 hydrogen, biodiesel or electricity when used as a motor vehicle fuel or  
214 propane when used as a motor vehicle fuel if such a vehicle meets the  
215 federal fleet emissions standards under the federal Clean Air Act or  
216 any emissions standards adopted by the Commissioner of  
217 Environmental Protection as part of the state's implementation plan  
218 under said act.

219 Sec. 8. Section 12-412 of the 2006 supplement to the general statutes  
220 is amended by adding subdivision (117) as follows (*Effective July 1,*  
221 *2006*):

222 (NEW) (117) Sales of new natural gas or diesel powered school  
223 buses with model years of 2007 to 2010, inclusive.

224 Sec. 9. Section 14-26 of the general statutes is repealed and the  
225 following is substituted in lieu thereof (*Effective July 1, 2006*):

226 (a) Each owner or lessee of a motor bus, service bus, taxicab, school  
227 bus or motor vehicle in livery service shall file in the office of the  
228 commissioner a special application, containing his name, residence  
229 and post-office address and a description of the motor vehicle owned  
230 or leased by him, which shall include the name of the maker and such



231 other information as the commissioner may require. The commissioner  
232 may register such motor vehicle as a motor bus or as a service bus or as  
233 a taxicab or as a school bus or as a motor vehicle in livery service or as  
234 a school bus used in part in livery service; but no such registration  
235 shall be issued to the owner or lessee of any such motor vehicle unless  
236 it is in suitable condition for carrying passengers and is equipped as  
237 required by law. The registration number and certificate of registration  
238 of each such vehicle shall be special, and such certificate of registration  
239 shall contain such information as the commissioner may require. No  
240 registration shall be issued to the owner or lessee of a motor bus who  
241 has not obtained a certificate of public convenience and necessity from  
242 the Department of Transportation, in accordance with the provisions  
243 of section 13b-80. No registration shall be issued to the owner or lessee  
244 of a taxicab who has not obtained a certificate of public convenience  
245 and necessity from the Department of Transportation in accordance  
246 with the provisions of section 13b-97. No such vehicle shall be  
247 registered unless the owner thereof has complied with the provisions  
248 of section 14-29, and no such vehicle shall be operated upon any  
249 highway without first being registered in accordance with the  
250 provisions of section 14-49, as amended. The commissioner may issue,  
251 to an applicant for registration of more than one motor bus, a  
252 certificate or certificates of registration containing a general  
253 distinguishing number and mark assigned to such applicant upon  
254 application to him therefor, which application shall be made in such  
255 form and contain such information as the commissioner may  
256 determine. Each motor bus included in such registration shall be  
257 regarded as registered under and having assigned to it such general  
258 distinguishing number and mark. The commissioner may impose  
259 upon the issuance and use of each such general registration such  
260 conditions, limitations and restrictions as he may determine. Such  
261 motor bus owners shall not be required to carry such certificates upon  
262 the vehicles registered under the provisions of this section, but shall  
263 keep a record of each person operating any motor bus so registered in  
264 sufficient detail to promptly identify such person at any specified time,

265 which record shall be subject to the inspection of any officer  
 266 designated by the commissioner. If any such registrant fails to keep  
 267 such record or to produce it for inspection as hereinbefore provided,  
 268 such failure shall be sufficient cause for the commissioner to cancel or  
 269 suspend such registration. The commissioner may require of such  
 270 registrant a bond satisfactory to him in an amount not to exceed ten  
 271 thousand dollars, conditioned upon compliance with the laws of the  
 272 state and the regulations of the commissioner concerning the use of  
 273 such registration, number and mark, or otherwise conditioned as he  
 274 may direct, which bond shall be forfeited for any violation of the  
 275 conditions thereof. The commissioner may issue to the holder of any  
 276 such general motor bus or interstate registration one or more  
 277 registrations and number plates for motor vehicles in livery service  
 278 which may be used interchangeably with such motor bus or interstate  
 279 registration in accordance with such conditions and regulations as he  
 280 may impose, provided the number of interstate registrations and  
 281 number plates issued shall not exceed the number of intrastate  
 282 registrations and number plates authorized by the Department of  
 283 Transportation.

284 (b) The certificate of registration of a motor bus, service bus, taxicab,  
 285 school bus and motor vehicle in livery service shall, at all times, be  
 286 carried upon such motor vehicle and shall be subject to examination  
 287 upon demand by any person authorized by law.

288 (c) In order to obtain a certificate of registration pursuant to this  
 289 section, the owner or lessee of a school bus shall submit to the  
 290 commissioner documentation of compliance with the emissions control  
 291 requirements pursuant to section 2 of this act.

292 ~~[(c)]~~ (d) Any person who violates any provision of this section shall  
 293 have committed an infraction. Any person who violates any provision  
 294 of subsection (b) of this section shall be fined, for the first offense,  
 295 thirty-five dollars and, for each subsequent offense, not less than  
 296 thirty-five dollars nor more than fifty dollars.

297 Sec. 10. Section 14-164i of the general statutes is repealed and the  
298 following is substituted in lieu thereof (*Effective July 1, 2006*):

299 (a) The Commissioner of Environmental Protection, in consultation  
300 with the Commissioner of Motor Vehicles, shall review the technical  
301 information concerning testing techniques, standards and instructions  
302 for emission control features and equipment relative to diesel-powered  
303 commercial motor vehicles, including such information available from  
304 the United States Environmental Protection Agency and information  
305 regarding standards issued by the Society of Automotive Engineers  
306 and shall, not later than January 1, 1997, establish a standard of  
307 minimum exhaust emission for all diesel-powered commercial motor  
308 vehicles operated on the highways of this state. In establishing such  
309 standard, the commissioner shall also review standards in effect in  
310 other states and in regions subject to federal air quality requirements  
311 and shall endeavor to maintain consistency with such standards. The  
312 standard shall be reviewed by the commissioner periodically and may  
313 be revised as the commissioner deems appropriate. School buses shall  
314 meet the emissions standards contained in section 2 of this act. Not  
315 later than July 1, 1997, the Commissioner of Motor Vehicles, in  
316 consultation with the Commissioner of Environmental Protection, shall  
317 select a method or methods for testing the exhaust emissions of  
318 diesel-powered commercial motor vehicles and school buses.

319 (b) Not later than October 1, 1997, the Commissioner of Motor  
320 Vehicles shall provide for the commencement of emissions inspections  
321 of diesel-powered commercial motor vehicles and, on or after July 1,  
322 2006, school buses operated on the highways of this state using the  
323 method or methods selected by the commissioner under subsection (a)  
324 of this section. Such inspections shall be performed in conjunction with  
325 any safety or weight inspection at any official weighing area or other  
326 location designated by the commissioner. In lieu of any such  
327 inspection performed by the commissioner, the commissioner may  
328 accept the results of an inspection performed (1) by agreement with an  
329 owner or operator of a fleet of diesel-powered commercial motor

330 vehicles or school buses licensed by the commissioner pursuant to  
331 subsection (h) of section 14-164c, as amended, or (2) by any licensed  
332 motor vehicle dealer or repairer authorized by the commissioner,  
333 pursuant to this section, to establish a diesel-powered commercial  
334 motor vehicle or school bus inspection station. The Commissioner of  
335 Motor Vehicles shall design a sticker to be affixed to the windshield of  
336 a diesel-powered commercial motor vehicle or school bus which shall  
337 bear the date of inspection.

338 (c) Any person, as defined in subsection (g) of this section, [14-164i,]  
339 whose vehicle fails to pass an inspection under subsection (b) of this  
340 section shall have the vehicle repaired and, within forty-five  
341 consecutive calendar days, present proof of emissions-related repairs  
342 of such vehicle in such form as the commissioner shall require. The  
343 commissioner shall issue a two-year intrastate waiver from compliance  
344 with emissions standards to any such vehicle failing to meet such  
345 standards but complying with the minimum repair requirements. For  
346 purposes of this section, the minimum repair requirements for diesel-  
347 powered commercial motor vehicles or school buses shall be the  
348 expenditure of one thousand dollars towards emissions-related repairs  
349 of such vehicle. The Commissioner of Motor Vehicles shall suspend the  
350 commercial registration, issued pursuant to the provisions of this  
351 chapter, of any vehicle for which no proof of emissions-related repairs  
352 has been submitted within such forty-five-day period.

353 (d) When a diesel-powered commercial motor vehicle or school bus  
354 fails to stop and submit to an emissions inspection performed in  
355 conjunction with any safety or weight inspection at any official  
356 weighing area or other location designated by the commissioner, or  
357 fails to comply with any provision of this section, the commissioner  
358 shall (1) suspend the registration privilege to operate the vehicle on the  
359 highways of the state, and (2) notify the jurisdiction in which the  
360 vehicle is registered and request said jurisdiction to suspend the  
361 registration of the vehicle.

362 (e) The Commissioner of Motor Vehicles shall adopt regulations in  
363 accordance with the provisions of chapter 54 to implement the  
364 provisions of this section.

365 (f) No diesel-powered commercial motor vehicle or school bus shall  
366 be operated on the highways of this state unless such vehicle complies  
367 with the provisions of this section and the regulations adopted by the  
368 commissioner. Any person who operates or permits the operation of  
369 any such vehicle in violation of the provisions of this section or the  
370 regulations adopted by the commissioner shall be fined not more than  
371 two hundred dollars for a first violation and not more than five  
372 hundred dollars for a second or subsequent violation committed  
373 within one year after a previous violation.

374 (g) For the purposes of this section, [(1) "commercial motor vehicle"  
375 shall not be construed to include a school bus, and (2)] "person" shall  
376 mean the person holding title to the vehicle or having legal right to  
377 register the same, including a purchaser under a conditional bill of sale  
378 and a lessee for a term of more than thirty days.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2006</i>	New section
Sec. 2	<i>July 1, 2006</i>	New section
Sec. 3	<i>July 1, 2006</i>	New section
Sec. 4	<i>July 1, 2006</i>	New section
Sec. 5	<i>July 1, 2006</i>	New section
Sec. 6	<i>July 1, 2006</i>	New section
Sec. 7	<i>July 1, 2006</i>	12-412(67)
Sec. 8	<i>July 1, 2006</i>	12-412
Sec. 9	<i>July 1, 2006</i>	14-26
Sec. 10	<i>July 1, 2006</i>	14-164i

***Statement of Purpose:***

To reduce diesel emissions from school buses and construction vehicles and equipment working on certain state-funded construction projects.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*